

CITY ATTORNEY'S OFFICE

DEPARTMENT MISSION STATEMENT:

To provide high quality legal services for the Mayor, City Council, City Officials, departments, boards, and commissions in the conduct of City business; to represent the City before judicial and administrative agencies in civil litigation; and to prosecute municipal code violations occurring in the City of Fresno.

The City Attorney's Office strives to provide the highest quality of legal services such as legal advice and full-scale litigation. These services are provided through three functional units within the Office to enhance the timeliness of services.

Services for legal advice cover a wide spectrum of activities such as economic development, general transactions, procurement, land use, election and campaign matters, political activities, conflicts of interest, employee benefits, Brown Act compliance, as well as Public Records Act requests. Services for litigation address numerous areas of municipal law including land use, California Environmental Quality Act (CEQA), tort litigation, labor relations, civil rights, housing, public works construction, personnel, eminent domain, and redevelopment.

KEY RESULT AREAS:

Key Result Area: Customer Service

Goal: 90 percent of customers choose our services if given the choice by June 30, 2006.

The Office will monitor client satisfaction levels through a client survey at the end of each fiscal year as well as through client interviews for individual attorney evaluations.

Resources: Included in appropriations - \$10,000

Goal: Our fully-burdened pricing is in the lowest quartile of our market sector by June 30, 2006.

Internally, the Office will ensure that the cost of its legal services is competitive and comparable to other public sector agencies through surveys of other public agencies' costs of legal services and through optimal use and continued refinement in the tracking of billable hours.

Externally, the Office will continue to pursue contract counsel agreements with competitive pricing for legal services through periodic Request for Proposals (RFPs) and negotiation processes.

Resources: Included in appropriations - \$6,000

Goal: Annual customer education is implemented by June 30, 2005.

The Office will allocate resources for client education and initiate liaison meetings with clients to provide the why, wherefor, and how much for legal services provided.

Basic education will be developed in an Administrative Order to assist clients in formulating the most precise requests for legal services so that the client receives the most concise and appropriate response in a timely and cost-effective manner.

The Office will continue its efforts towards effective communication with clients through municipal law guidebooks, liaison meetings, an annual report, and individualized training. This will ensure clients' understanding and awareness of key information.

Resources: Included in appropriations - \$30,000

Goal: Customer needs assessment is conducted biannually by June 30, 2005.

The Office will conduct annual surveys designed to gather information which will be used to ensure that clients are being served in a manner that meets their goals, needs, and priorities. The survey will seek to distinguish essential versus non-essential services. The Office will also update clients' priorities on a quarterly basis.

Resources: Included in appropriations - \$7,500

Key Result Area: Employee Relations

Goal: 70 percent of the workforce refers the City to friends and family as a rewarding place of employment by June 30, 2007.

The Office is committed to improving communication among staff through surveys to correctly identify areas of employee satisfaction and dissatisfaction. All staff will participate as a team to develop solutions on improving employee satisfaction based on survey results. The Office will also create mentoring relationships among attorneys, staff, and interns.

The Office will recognize employee milestones and achievements by providing both personal and public acknowledgment including notes to personnel files, e-mail announcements, staff meeting announcements, and departmental celebrations.

Resources: Included in appropriations - \$20,000

Goal: 100 percent of the workforce understand their role to improve the City by June 30, 2006.

Forums will continue commencing with Department orientation for new hires. The Office will also hold staff, unit, and managerial meetings to better understand each employee's role in achieving the Office's, and in turn, the City's mission.

Resources: Included in appropriations - \$20,000

Goal: 100 percent of the workforce has the opportunity to meet with their Directors and Assistant Directors in a safe, open setting semi-annually by June 30, 2005.

Multiple opportunities will be created for staff to meet with all management staff through open door policy, staff and unit meetings, and management walk arounds.

Resources: Included in appropriations - \$16,000

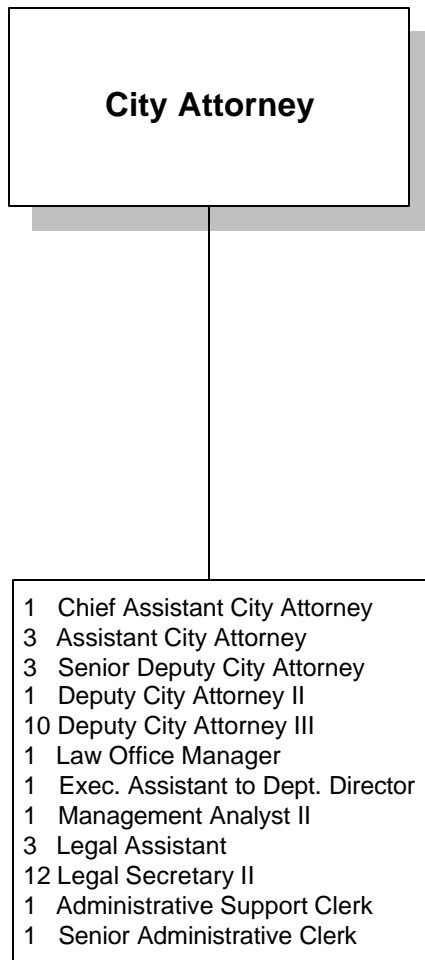
Goal: Employee needs assessment is conducted bi-annually by June 30, 2005.

The Office will conduct a survey to assess needs and expectations. The survey will address topics ranging from quality of life to improving efficiency at work.

The Office will continue to provide legal education and specialized training to enhance the ability to provide quality and streamlined legal services.

Resources: Included in appropriations - \$40,000

ORGANIZATION CHART - FY 2005



39.00 Permanent Full-Time Equivalent Positions
39.00 Authorized Positions

AUTHORIZED POSITIONS SUMMARY

DIVISION	FY 2003	FY 2004	FY 2005
City Attorney	1.00	1.00	1.00
Staff	37.00	37.00	38.00
TOTAL	38.00	38.00	39.00

DEPARTMENT FUNDING BY SOURCE

Fund	FY 2002 Actuals	FY 2003 Actuals	FY 2004 Amended	FY 2005 Adopted
Charges for Services	\$ 3,349,700	\$ 3,926,600	\$ 3,570,600	\$ 3,593,600
Fund Balance	(1,319,400)	(850,500)	(45,000)	64,300
TOTAL	\$ 2,030,300	\$ 3,076,100	\$ 3,525,600	\$ 3,657,900

DEPARTMENT SUMMARY APPROPRIATIONS

Expenditures	FY 2002 Actuals	FY 2003 Actuals	FY 2004 Amended	FY 2005 Adopted
City Attorney	\$ 2,837,300	\$ 3,148,500	\$ 3,524,600	\$ 3,657,900
TOTAL	\$ 2,837,300	\$ 3,148,500	\$ 3,524,600	\$ 3,657,900

BUDGET COMMENTS

- **Interdepartmental Charges:** The Department's adopted budget for FY 2005 fully funds increases in interdepartmental (ID) charges and workers' compensation insurance.
- **Funding Source:** The City Attorney's Office is an internal service fund department which is primarily funded through fixed reimbursements from Citywide departments. Forty-eight percent of the FY 2005 funding for the department comes from General Fund departments, which is equal to last year's percentage.
- **Staff Levels:** The Department's staff increased by one permanent position in FY 2005 and was adopted at \$75,000 during the City Council Budget hearings. The position corresponds to a Deputy City Attorney II position and was originally identified as an "unmet need" due to continued growth in requests for police legal advisory services.

The Department has implemented several "Plans of Action" to enhance departmental efficiencies while holding staff growth at a minimum. The following are some examples that focus on efficiency improvements in workflow processes.

- ▶ Developed a prioritization list for legal services requested by City Council and Citywide Departments with their respective input.
- ▶ Reorganized staff support creating an economic development unit in order to streamline legal services.
- ▶ Submission of legal services are electronically emailed to its clients in order to effectively minimize correspondence time as well as paper cost.
- ▶ Promotion of standardization for contracts and other legal services.

ACCOMPLISHMENTS:

These accomplishments collectively further the Office's objective to continually evaluate client service needs as well as to creatively and efficiently use Office resources to respond to changing client needs.

- Issued the first City Attorney's Office Annual Report for FY 2003.
- Instituted an Officewide Workload Priority List with clients' input.
- Reorganized the Office's organizational structure to meet clients' priorities and needs.
- Conducted legal training sessions with elected officials, the City Manager, and staff.
- As a group, Attorneys and Legal Assistants are anticipated to log over 38,000 hours. Total hours per professional equates to 1,833 hours annually which is an increase of nearly 40 hours from the previous year.

The Economic Development and Finance Unit

These accomplishments reflect a one-stop, full service approach to economic development. The Economic Development and Finance Unit provides services ranging from property acquisition to financing and construction to further development which is critical to job creation and economic stimulus.

- Provided legal services to City and Regional Development Agency (RDA) regarding financing transactions totaling \$109,464,000.
- Acquired 14 property interests for capital project and infrastructure construction.
- Successfully negotiated Airport contamination cost recovery while allowing continued operation and expansion.

- Contributed legal counsel to further advance key special projects (i.e., Fifth District Court of Appeal, Veterans' Home, Urban Growth Management (UGM) reform, General Plan Implementation, and Roeding Business Park).

Advisory Unit

- In FY 2004, the Advisory Unit represented the City in 192 code violation appeal hearings; conducted 75 show cause hearings; issued 125 warning letters for the Fire Department's Prevention Division, 57 warning letters for the Department of Public Utilities Solid Waste Division, 690 letters to dog owners for non-payment of citations for at-large and unlicensed dogs; and, responded to over 500 telephone calls related to miscellaneous code issues.
- Provided advice on Public Records Act requests from staff; advice on application of the Brown Act; prepared conflict of interest and election law opinions; and provided numerous opinions and memoranda on legal processes for City boards and commissions.
- Provided legal advice and representation regarding the SMG Convention Center agreement and the transfer station agreement.
- Provided legal advice with contract counsel on Federal Airports Administration - GAP, Inc., property issue.
- Completed negotiations with Burlington Northern Santa Fe Railroad on Santa Fe Depot Reconstruction project; advised on procurement process.

Litigation Unit

- Successfully concluded over 34 lawsuits through settlement agreements, dismissals, or court order.
- Managed over 74 new lawsuits, and reduced the number of cases contracted out by almost 10 percent during FY 2003 and FY 2004.
- Represented the City on Civil Service Board appeals and grievance arbitrations; provided legal opinions and advice on numerous personnel-related matters (Family Medical Leave Act, Americans with Disabilities Act, Fair Labor Standards Act, discrimination, Workers' Compensation, temporary employees and Labor Code issues); provided legal support during Memorandum of Understanding (MOU) negotiations with four bargaining units; and reviewed 486 disciplinary actions.
- Prosecuted quality of life crimes such as loitering for drugs and prostitution, and deadly weapon forfeitures:
 - 735 misdemeanor filings and court appearances
 - 142 prostitution filings
 - 48 jury trials; 99 motion hearings
 - 2,287 infraction filings and court appearances
- Represented the City and monitored contract counsel on various high profile and complex matters such as debt litigation; the Bombay litigation challenge of UGM fees; the Crippen Conditional Use Permit Revocation and cost recovery matters; the PG&E bankruptcy proceedings; the Shell Oil environmental litigation, and the State Route 99 Environmental Justice lawsuit.
- Jury verdict in favor of the City in six year litigation of the Affordable Housing Development Corporation versus City case.

UNMET NEEDS:

- **Pacific Institute Training.** The Office supports sending all staff to participate in the four day training session. However, the Office will need to identify savings or defer purchases within a lean budget in order to absorb the training cost.
Cost: \$13,500.

SERVICE IMPACTS:

- **Legal Services:** The FY 2005 Budget will provide the resources to maintain daily operations at the FY 2004 service levels. The Office will continue its efforts to identify further efficiencies to effectively manage the natural growth in requests while providing cutting edge legal services. The budget reflects a minimal growth rate of 3.8 percent or \$133,300 above last year's budget. The increase in resources is primarily for the following:
 - ▶ \$121,500 increase in staffing costs. This increase will assist the Office to recruit and maintain staffing levels necessary to meet unplanned surges and demands for legal services.
 - ▶ \$11,800 increase in facilities management charges. The Office is challenged with providing adequate work space for its existing staff. This request will cover the corresponding costs for furniture and the reconfiguration of modular workstations.

